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LAWS AND REGULATIONS

RELATING TO THE

YOSEMITE NATIONAL PARK CALIFORNIA

COMPILED IN THE OFFICE OF THE
SECRETARY OF THE INTERIOR



WASHINGTON
GOVERNMENT PRINTING OFFICE
1908

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LAWS AND REGULATIONS RELATING TO THE YOSEMITE NATIONAL PARK, CALIFORNIA.

LAWS.

ACT OF JUNE 30, 1864 (13 STAT., 325).

AN ACT Authorizing a grant to the State of California of the "Yo-Semite Valley," and of the land embracing the "Mariposa Big Tree Grove."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and is hereby, granted to the State of California the "cleft" or "gorge" in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, in the State aforesaid, and the headwaters of the Merced River, and known as the Yo-Semite Valley, with its branches or spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice, on each side of the valley, with the stipulation, nevertheless, that the said State shall accept this grant upon the express conditions that the premises shall be held for public use, resort, and recreation; shall be inalienable for all time; but leases not exceeding ten years may be granted for portions of said premises. All incomes derived from leases of privileges to be expended in the preservation and improvement of the property, or the roads leading thereto; the boundaries to be established at the cost of said State by the United States surveyor-general of California, whose official plat, when affirmed by the Commissioner of the General Land Office, shall constitute the evidence of the locus, extent, and limits of the said cleft or gorge; the premises to be managed by the governor of the State with eight other commissioners, to be appointed by the executive of California, and who shall receive no compensation for their services.

SEC. 2. *And be it further enacted,* That there shall likewise be, and there is hereby, granted to the said State of California the tracts embracing what is known as the "Mariposa Big Tree Grove," not to exceed the area of four sections, and to be taken in legal subdivisions of one quarter section each, with the like stipulation as expressed in the first section of this act as to the State's acceptance, with like conditions as in the first section of this act as to inalienability, yet with same lease privilege; the income to be expended in preservation, improvement, and protection of the property; the premises to be managed by commissioners as stipulated in the first section of this act, and to be taken in legal subdivisions as aforesaid; and the official plat of the United States surveyor-general, when affirmed by the Commissioner of the General Land Office, to be the evidence of the locus of the said Mariposa Big Tree Grove.

ACT OF OCTOBER 1, 1890 (26 STAT., 650).^a

AN ACT To set apart certain tracts of land in the State of California as forest reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tracts of land in the State of California known as described as follows: Commencing at the northwest corner of township two north, range nineteen east Mount Diablo meridian, thence eastwardly on the line between townships two and three north, ranges twenty-four and twenty-five east; thence southwardly on the line between ranges twenty-four and twenty-five east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township one south, ranges twenty-five and twenty-six east; thence southwardly on the line between ranges twenty-five and twenty-six east to the southeast corner of township two south, range twenty-five east; thence eastwardly on the line between townships two and three south, range twenty-six east to the corner to townships two and three south, ranges twenty-six and twenty-seven east; thence southwardly on the line between ranges twenty-six and twenty-seven east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township four south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two south, range nineteen east; thence westwardly on the line between townships one and two south to the southwest corner of township one south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two north, range nineteen east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom: *Provided, however,* That nothing in this act shall be construed as in anywise affecting the grant of lands made to the State of California by virtue of the act entitled, "An act authorizing a grant to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big-Tree Grove, approved June thirtieth, eighteen hundred and sixty-four; or as affecting any bona-fide entry of land made within the limits above described under any law of the United States prior to the approval of this act.

SEC. 2. That said reservation shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said reservation, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres; at such places in said reservation as shall require the erection of buildings for the accommodation of visitors; all of the

^aSections 1 and 2 of this act pertain to the Yosemite National Park, while section 3 sets apart General Grant National Park, and also a portion of Sequoia National Park.

proceeds of said leases and other revenues that may be derived from any source connected with said reservation to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish, and game found within said reservation, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. There shall also be and is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and shall be set apart as reserved forest lands, as hereinbefore provided, and subject to all the limitations and provisions herein contained, the following additional lands, to wit: Township seventeen south, range thirty east of the Mount Diablo meridian, excepting sections thirty-one, thirty-two, thirty-three, and thirty-four of said township, included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions, and provisions, all of townships fifteen and sixteen south, of ranges twenty-nine and thirty east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, sections five and six in township fourteen south, range twenty-eight east of Mount Diablo meridian, and also sections thirty-one and thirty-two of township thirteen south, range twenty-eight east of the same meridian. Nothing in this act shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States.

ACT OF JULY 19, 1892 (27 STAT., 235).

AN ACT Granting to the county of Mariposa, in the State of California, the right of way for a free wagon road or turnpike across the Yosemite National Park, in said State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the county of Mariposa, in the State of California, a right of way, not exceeding one hundred feet in width, on that portion of the Yosemite National Park, in said State, commencing near the southwest corner of said national park as now established and running from thence to the Merced River, thence across same to the western boundary line of the Yosemite Valley grant to a junction with the Coulterville road, for the purpose of constructing a free wagon road or turnpike leading from the town of Mariposa, in said county and State, to the Yosemite Valley, upon the express condition that the said road shall be completed in five years from the passage of this act.

SEC. 2. That the United States shall in no wise be liable for any expense, at any time, on account of the building of said free wagon

road or turnpike, or for keeping the same in repair, and if the said road should be forfeited or abandoned, or cease to be free of toll, the land covered by the right of way shall revert to the United States if the land over which it ran is kept for park purposes, or if sold, to the owners of the land through which the road runs, or whose property abuts the same.

FROM THE SUNDRY CIVIL ACT OF JUNE 6, 1900 (31 STAT., 618).

The Secretary of War, upon the request of the Secretary of the Interior, is hereafter authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, respectively, in California, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservations, and to remove such persons from said parks if found therein.

ACT OF FEBRUARY 15, 1901 (31 STAT., 790).

AN ACT Relating to rights of way through certain parks, reservations, and other public lands.^a

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and

^a Regulations concerning permission to use right of way over the public lands, forest, and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, for telegraph and telephone lines, electrical plants, canals, reservoirs, tramroads, etc., under acts of February 15, 1901 (31 Stat., 790), January 21, 1895 (28 Stat., 635), and section 1 of the act of May 11, 1898 (30 Stat., 404), were promulgated by the Department July 8, 1901.

upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

FROM THE SUNDRY CIVIL ACT OF APRIL 28, 1904 (33 STAT., 487).

The Secretary of the Interior is hereby directed to examine into the conditions and situations in the United States Yosemite Park in the State of California for the purpose of ascertaining what portions of said park are not necessary for park purposes but can be returned to the public domain, and also at what place a good and substantial road can be built from the boundary of said park to the Yosemite Valley grant, including the length and cost of the same; and for the purposes of said examination the sum of three thousand dollars is hereby appropriated, to be immediately available.

ACT OF FEBRUARY 7, 1905 (33 STAT., 702).

AN ACT To exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the channel of the South Fork of the Merced River intersects the line between sections three and four, township four south, range twenty east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships three and four south, range twenty east, to the northwest corner of section three, township three south, range twenty east; thence westerly along township line to the southwest corner of section thirty-three, township two south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence southerly along range line to the southeast corner of the northeast quarter of section twenty-four, township two south, range nineteen east; thence westerly to the southwest corner of the northeast quarter of section twenty-four, said township; thence southerly to the southeast corner of the southwest quarter of section twenty-four, said township; thence westerly along section lines to the southwest corner of section twenty-three, said township; thence northerly along section lines to the northwest corner of the southwest quarter of section fourteen, said township; thence easterly to the northeast corner of the southeast quarter of section fourteen, said township; thence northerly along section line to the northwest

corner of section thirteen, said township; thence easterly along section line to the northeast corner of section thirteen, said township; thence northerly along range line to the northwest corner of the southwest quarter of section seven, township two south, range twenty east; thence easterly to the northeast corner of the southeast quarter of section seven, said township; thence southerly along section line to the northwest corner of section seventeen, said township; thence easterly along section lines to the northeast corner of section sixteen, said township; thence northerly along section lines to the northwest corner of section three, said township; thence westerly along township line to the southwest corner of section thirty-three, township one south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence northerly along range line to the northwest corner of section six, said township; thence westerly along Mount Diablo base line to the southwest corner of section thirty-four, township one north, range nineteen east; thence northerly along section lines through the middle of townships one and two north, range nineteen east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin rivers; thence southwesterly along said divide to the point of intersection with the south boundary of township four south, range twenty-three east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands, subject to all the provisions of the act of Congress approved October first, eighteen hundred and ninety, entitled "An act to set apart certain tracts of land in the State of California as forest reservations:" *Provided*, That all those tracts or parcels of land described in section one of the said act of October first, eighteen hundred and ninety, and not included within the metes and bounds of the land above described, be, and the same are hereby, included in and made part of the Sierra Forest Reserve: *And provided further*, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the act approved February fifteenth, nineteen hundred and one, relating to rights of way over certain parks, reservations, and other lands, and other acts concerning rights of way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra Forest Reserve shall be paid into the Treasury of the United States, to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the forest lands herein set aside and reserved, which shall hereafter be known as the "Yosemite National Park."

SEC. 2. That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this act from the Yosemite National Park, except as herein otherwise provided.

SEC. 3. That this act shall take effect and be in force from and after its passage.

ACT OF THE LEGISLATURE OF THE STATE OF CALIFORNIA,
APPROVED MARCH 3, 1905.

SEC. 1. The State of California does hereby recede and regrant unto the United States of America the "cleft" or "gorge" in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches and spurs, granted unto the State of California in trust for public use, resort, and recreation by the act of Congress entitled "An act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the Mariposa Big Tree Grove," approved June thirtieth, eighteen hundred and sixty-four; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of Congress.

SEC. 2. The State of California does hereby recede and regrant unto the United States of America the tracts embracing what is known as the "Mariposa Big Tree Grove," granted unto the State of California in trust for public use, resort, and recreation by the act of Congress referred to in section one of this act, and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of Congress.

SEC. 3. This act shall take effect from and after acceptance by the United States of America of the recessions and regrants herein made, thereby forever releasing the State of California from further cost of maintaining the said premises, the same to be held for all time by the United States of America for public use, resort, and recreation, and imposing on the United States of America the cost of maintaining the same as a national park: *Provided, however,* That the recession and regrant hereby made shall not affect vested rights and interests of third persons.

ACT OF MARCH 3, 1905 (33 STAT., 1286).

JOINT RESOLUTION Accepting the recession by the State of California of the Yosemite Valley Grant and the Mariposa Big Tree Grove in the Yosemite National Park.^a

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated from any moneys in the Treasury not otherwise appropriated, for the management, protection, and improvement of the Yosemite National Park, to be expended under the supervision of the Secretary of the Interior, the sum of twenty thousand dollars.

JOINT RESOLUTION OF JUNE 11, 1906 (34 STAT., 831).

JOINT RESOLUTION accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections five and six, township five south, range twenty-two east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the recession and regranting unto the United States by the State of California of the cleft or gorge in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches or spurs, granted unto the State of California in trust for public use, resort, and recreation by the act of Congress entitled "An act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the Mariposa Big Tree Grove," approved June thirtieth, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and twenty-five), as well as the tracts embracing what is known as the "Mariposa Big Tree Grove," likewise granted unto the State of California by the aforesaid act of Congress, is hereby ratified and accepted, and the tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, as described in the act of Congress approved June thirtieth, eighteen hundred and sixty-four, together with that part of fractional sections five and six, township five south, range twenty-two east, Mount Diablo meridian, California, lying south of the South Fork of Merced River and almost wholly between the Mariposa Big Tree Grove and the present south boundary of the Yosemite National Park, be, and the same are hereby, reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and set apart as reserved forest lands, subject to all the limitations, conditions, and provisions of the act of Congress approved October first, eighteen hundred and ninety, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," as well as the limitations, conditions, and provisions of the

^a The wording of the bill introduced in the House of Representatives, providing for the acceptance of the recession as indicated in the above title, was struck out in the Senate, and the bill as passed carried an appropriation without accepting the recession of Yosemite Valley and Mariposa Big Tree Grove.

act of Congress approved February seventh, nineteen hundred and five, entitled "An act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve," and shall hereafter form a part of the Yosemite National Park.

The south and west boundary lines of the Yosemite National Park are hereby changed as follows: Beginning at the point on the line between sections thirty-five and thirty-six, township four south, range twenty-one east, where the same intersects the middle of the channel of the South Fork of the Merced River; thence north on section line to the southwest corner of section twenty-five; thence west on section lines to the southwest corner of section twenty-eight; thence north on section line to the northwest corner of section twenty-eight; thence west on section line to the quarter-section corner between sections twenty and twenty-nine; thence north through the middle of section twenty to the center thereof; thence east through the middle of section twenty to the quarter-section corner between sections twenty and twenty-one; thence north on section line to the quarter-section corner between sections sixteen and seventeen; thence west through middle of section seventeen to the center thereof; thence north through the middle of sections seventeen, eight, and five to the quarter-section corner of north boundary of section five on township boundary, all in township four south, range twenty-one east; thence north through the middle of section thirty-two, township three south, range twenty-one east, to the center thereof; thence west through the middle of section thirty-two, said township, and section thirty-six, township three south, range twenty east, to the quarter-section corner between sections thirty-five and thirty-six; thence north on section line to the quarter-section corner between sections twenty-five and twenty-six; thence east through the middle of section twenty-five to the center thereof; thence north through the middle of sections twenty-five and twenty-four to the center of section twenty-four; thence west through the middle of sections twenty-four, twenty-three, and twenty-two to the quarter-section corner between sections twenty-one and twenty-two, township three south, range twenty east, on the present western boundary of the Yosemite National Park. And all that portion of the Yosemite National Park lying between the boundary line last above mentioned and the present boundary line of said national park is excluded from said park; and the said lands so excluded, and all thereof, are added to and made a part of the Sierra Forest Reserve, and shall hereafter form a part of said Sierra Forest Reserve, and shall be subject to all of the acts of Congress with relation thereto: *Provided*, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the act approved February fifteenth, nineteen hundred and one, relating to rights of way over certain parks, reservations, and other lands, and other acts concerning rights of way over public lands: *And provided further*, That in the grant of any right of way for railway purposes across the lands placed under this measure within the Sierra Forest Reserve it shall be stipulated that no logs or timber shall be hauled over the same without the con-

sent of the Secretary of the Interior, and under regulations to be promulgated by him.

SEC. 2. That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this act from the Yosemite National Park, except as herein otherwise provided.

SEC. 3. That all revenues derived from privileges in the park authorized under the act of October first, eighteen hundred and ninety, the act of February seventh, nineteen hundred and five, as well as under this measure, or from privileges accorded on the lands herein segregated from said park and included within the Sierra Forest Reserve, shall be paid into the Treasury of the United States, to be expended under the direction of the Secretary of the Interior in the management, protection, and improvement of the Yosemite National Park.

RULES AND REGULATIONS.

REGULATIONS OF FEBRUARY 29, 1908.

The following rules and regulations for the government of the Yosemite National Park, including the Yosemite Valley and Mariposa Big Tree Grove, are hereby established and made public, pursuant to authority conferred by the acts of Congress approved October 1, 1890, February 7, 1905, and June 11, 1906:

1. It is forbidden to injure or disturb in any manner any of the mineral deposits, natural curiosities, or wonders on the Government lands within the park.

2. It is forbidden to cut or injure any timber growing on the park lands, or to deface or injure any Government property. Camping parties will be allowed to use dead or fallen timber for fuel.

3. Fires should be lighted only when necessary and completely extinguished when not longer required. The utmost care must be exercised at all times to avoid setting fire to the timber and grass.

4. Hunting or killing, wounding or capturing any bird or wild animal on the park lands, except dangerous animals when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed on the park lands under other circumstances than prescribed above, will be taken up by the superintendent and held subject to the order of the Secretary of the Interior, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof.

5. Fishing with nets, seines, traps, or by the use of drugs or explosives, or in any other way than with hook and line, is prohibited. Fishing for purposes of merchandise or profit is forbidden. Fishing may be prohibited by order of the superintendent in any of the waters of the park, or limited therein to any specified season of the year, until otherwise ordered by the Secretary of the Interior.

6. No person will be permitted to reside permanently, engage in any business, or erect buildings, etc., upon the Government lands in the park, without permission, in writing, from the Secretary of the Interior. The superintendent may grant authority to competent persons to act as guides and revoke the same in his discretion. No pack trains will be allowed in the park unless in charge of a duly registered guide.

7.* Owners of patented lands within the park limits are entitled to the full use and enjoyment thereof; such lands, however, shall have the metes and bounds thereof so marked and defined that they may be readily distinguished from the park lands. Stock may be taken over the park lands to patented lands with the written permission and under the supervision of the superintendent.

8.* The herding or grazing of loose stock or cattle of any kind on the Government lands in the park, as well as the driving of such stock or cattle over the same, is strictly forbidden, except in such cases where authority therefor is granted by the superintendent.

9. No drinking saloon or barroom will be permitted upon Government lands in the park.

10. Private notices or advertisements shall not be posted or displayed on the Government lands within the reservation, except such as may be necessary for the convenience and guidance of the public.

11. Persons who render themselves obnoxious by disorderly conduct or bad behavior, or who may violate any of the foregoing rules, will be summarily removed from the park and will not be allowed to return without permission, in writing, from the Secretary of the Interior or the superintendent of the park.

No lessee or licensee shall retain in his employ any person whose presence in the park shall be deemed and declared by the superintendent to be subversive of the good order and management of the reservation.

12. The superintendent designated by the Secretary is hereby authorized and directed to remove all trespassers from the Government lands in the park and enforce these rules and regulations and all the provisions of the acts of Congress aforesaid.

INSTRUCTIONS OF FEBRUARY 29, 1908.

(1) Interference with or molestation of any bear or other wild animal in the park in any way by any person not authorized by the superintendent is prohibited.

(2) FIRES.—The greatest care must be exercised to insure the complete extinction of all camp fires before they are abandoned. All ashes and unburned bits of wood must, when practicable, be thoroughly soaked with water. Where fires are built in the neighborhood of decayed logs, particular attention must be directed to the extinguishment of fires in the decaying mold. Fire may be extinguished where water is not available by a complete covering of earth well packed down. Care should be taken that no lighted match, cigar, or cigarette is dropped in any grass, twigs, leaves, or tree mold.

(3) CAMPS.—No camp will be made except at designated localities. All campers in Yosemite Valley shall first report at the office of the superintendent for assignment to camping sites, and will not change camps without permission, nor shall fires be lighted in Yosemite Valley or Mariposa Big Tree Grove without the express permission

* In the case of J. B. Curtin vs. H. C. Benson, Acting Superintendent of the Yosemite National Park, et als., in the United States circuit court of the northern circuit of California, it was held that paragraphs 9 and 10 of the regulations issued under date of April 22, 1905 (now paragraphs 7 and 8 of the regulations promulgated February 29, 1908), were, as a matter of law, valid. Notice, however, of appeal from this decision has been given.

of the superintendent. Blankets, clothing, hammocks, or any other article liable to frighten teams must not be hung near the road. The same rule applies to temporary stops, such as for feeding horses or for taking luncheon.

Many successive parties camp on the same sites during the season, and camp grounds must be thoroughly cleaned before they are abandoned. Tin cans must be flattened, and with bottles, cast-off clothing, and all other débris must be deposited in a pit provided for the purpose. When camps are made in unusual places where pits may not be provided, all refuse must be hidden where it will not be offensive to the eye.

(4) BICYCLES.—The greatest care must be exercised by persons using bicycles. On meeting a team the rider must stop and stand at side of road between the bicycle and the team—the outer side of the road if on a grade or curve. In passing a team from the rear the rider should learn from the driver if his horses are liable to frighten, in which case the driver should halt and the rider dismount and walk past, keeping between the bicycle and the team.

(5) FISHING.—All fish less than 6 inches in length should at once be returned to the water with the least damage possible to the fish. No one person shall catch more than fifty fish in one day.

(6) DOGS.—Dogs are not permitted in the park.

(7) STAGES.—Stages entering Yosemite Valley shall stop at each hotel or permanent camp in the order of location, so that passengers may exercise the right of selection.

(8) DRIVING ON ROADS OF PARK.—(a) Drivers of vehicles of any description when overtaken by other vehicles traveling at a faster rate of speed shall, if requested to do so, turn out and give the latter free and unobstructed passageway.

(b) Vehicles, in passing each other, must give full half of the roadway. This applies to freight outfits as well as any other.

(c) Freight, baggage, and heavy camping outfits on sidehill grades throughout the park will take the outer side of the road while being passed by passenger vehicles in either direction.

(d) Transportation companies, freight and wood contractors, and all other parties and persons using the park roads will be held liable for violations of these instructions.

(e) Mounted men on meeting a passenger team on a grade will halt on the outer side until the team passes. When approaching a passenger team from the rear warning must be given, and no faster gait will be taken than is necessary to make the passage, and if on a grade the passage will be on the outer side. A passenger team must not be passed on a dangerous grade.

(f) All wagons used in hauling heavy freight over the park roads must have tires not less than 4 inches in width. This order does not apply to express freight hauled in light spring wagons with single teams.

(9) MISCELLANEOUS.—Automobiles are not permitted in the park. No person shall drive or ride faster than a walk over any of the Government bridges within the park.

Persons with animals using trails must keep therein: leaving the trails for the purpose of making short cuts will not be permitted.

Persons are not allowed to bathe near any of the regularly traveled roads in the park without suitable bathing clothes.

Campers and all others, save those holding license from the Secretary of the Interior, are prohibited from hiring their horses, trap-pings, or vehicles to tourists or visitors in the park.

All complaints by tourists and others as to service, etc., rendered in the reservation should be made to the superintendent in writing before the complainant leaves the park.

(10) The penalty for disregard of these instructions is summary ejection from the park.

REGULATIONS OF FEBRUARY 29, 1908, GOVERNING THE IM- POUNDING AND DISPOSITION OF LOOSE LIVE STOCK.

Horses, cattle, or other domestic live stock running at large or being herded or grazed in the Yosemite National Park without authority from the Secretary of the Interior will be taken up and impounded by the superintendent, who will at once give notice thereof to the owner, if known. If the owner is not known, notice of such impounding, giving a description of the animal or animals, with the brands thereon, will be posted in six public places inside the park and in two public places outside the park. Any owner of an animal thus impounded may, at any time before the sale thereof, reclaim the same upon proving ownership and paying the cost of notice and all expenses incident to the taking up and detention of such animal, including the cost of feeding and caring for the same. If any animal thus impounded shall not be reclaimed within thirty days from notice to the owner or from the date of posting notices, it shall be sold at public auction at such time and place as may be fixed by the superintendent after ten days' notice, to be given by posting notices in six public places in the park and two public places outside the park, and by mailing to the owner, if known, a copy thereof.

All money received from the sale of such animals and remaining after the payment of all expenses incident to the taking up, impounding, and selling thereof, shall be carefully retained by the superintendent in a separate fund for a period of six months, during which time the net proceeds from the sale of any animal may be claimed by and paid to the owner upon the presentation of satisfactory proof of ownership, and if not so claimed within six months from the date of sale such proceeds shall be turned into the Yosemite National Park fund.

The superintendent shall keep a record in which shall be set down a description of all animals impounded, giving the brands found on them, the date and locality of the taking up, the date of all notices and manner in which they were given, the date of sale, the name and address of the purchaser, the amount for which each animal was sold and the cost incurred in connection therewith, and the disposition of the proceeds.

The superintendent will, in each instance, make every reasonable effort to ascertain the owner of animals impounded and to give actual notice thereof to such owner.

CIRCULAR OF JULY 7, 1905, CONCERNING PRIVILEGES ON OR OVER THE LANDS SEGREGATED FROM THE YOSEMITE NATIONAL PARK AND INCLUDED IN THE SIERRA FOREST RESERVE, BY THE ACT OF FEBRUARY 7, 1905.

This act, so far as it relates to the use of the lands within the addition to the Sierra Forest Reserve made by it, for right-of-way purposes, is as follows:

“Provided, That all those tracts or parcels of lands described in section one of the said act of October first, eighteen hundred and ninety, and not included within the metes and bounds of the land above described, be, and the same are hereby, included in and made part of the Sierra Forest Reserve: And provided further, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the act approved February fifteenth, nineteen hundred and one, relating to rights of way over certain parks, reservations, and other lands, and other acts concerning rights of way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra Forest Reserve shall be paid into the Treasury of the United States, to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the forest lands herein set aside and reserved, which shall hereafter be known as the ‘Yosemite National Park.’

“SEC. 2. That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this act from the Yosemite National Park, except as herein otherwise provided.”

The several acts of Congress authorizing the use of lands within forest reserves for right-of-way purposes are applicable to this portion of the Sierra Forest Reserve with the condition, however, that the Secretary of the Interior may require the beneficiary to pay a suitable price for the privileges accorded therein.

The Department of Agriculture is vested with jurisdiction to pass upon all applications under any law of the United States providing for the granting of a permission to occupy and use lands in a forest reserve, which occupation or use is temporary in character, and which, if granted, will in no wise affect the fee or cloud the title of the United States should the reserve be discontinued. The Department of the Interior is vested with jurisdiction over all applications affecting lands within a forest reserve the granting of which amounts to an easement running with the land. Any permission or license granted by the Agricultural Department is subject to any later disposal of the lands by the Department of the Interior.

All applications for privileges other than of a temporary character within the said addition to the Sierra Forest Reserve should be in accordance with the regulations heretofore prescribed in similar cases.

Before final approval is given to *any* application for a privilege on or over these lands, the Secretary of the Interior will fix the price therefor and the payment thereof will be necessary before final approval is given.

When the payment is made at the local land office, the receiver will charge the amount paid on his list of unearned moneys and deposit the same to his official credit until he is advised of the allowance or rejection of the application. If the application be allowed, he will cover the money into the Treasury *to the credit of the special fund provided for by this act, to be expended under the direction of the Secretary of the Interior in the management, improvement, and protection of the Yosemite National Park*; if rejected, the amount will be returned to the applicant and a proper receipt taken therefor.

In addition to the foregoing, and before such application will be approved, the applicant must expressly agree to enter into a contract whereby he shall bind himself to make further annual payments for such privilege should the Secretary of the Interior, upon consideration of the facts in each particular case, so prescribe. Such payments, when required, shall be made to the Secretary of the Interior, to be placed to the credit of the special fund provided for in the act of February 7, 1905, to be expended in the management, improvement, and protection of the Yosemite National Park.

An applicant for the privilege of transporting persons and material through the reserve to the Yosemite National Park will also be required, when in the judgment of the Secretary of the Interior the convenience of the public requires it, to file in the Department a stipulation agreeing to transport the cars of any other person or company over its road upon the payment of such reasonable charge as may be determined upon between the parties or by the Secretary of the Interior.

ORDER OF MAY 29, 1908.

The provisions of the circular concerning privileges on or over the lands segregated from the Yosemite National Park and included in the Sierra National Forest by the act of February 7, 1905, promulgated July 7, 1905, are hereby extended and made applicable to the additional lands segregated from the Yosemite National Park and included in the Sierra National Forest by the act of June 11, 1906.

GENERAL LEGISLATION.

SECTION 5391, REVISED STATUTES OF THE UNITED STATES.

Prosecutions under State Laws where no Federal Laws are Applicable.

If any offense be committed in any place which has been or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for, by any law of the United States, such offense shall be liable to, and receive, the same punishment as the laws of the State in which such place is situated, now in force, provide for the like offense when committed within the jurisdiction of such State; and no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

ACT OF JULY 7, 1898 (30 STAT., 717).

AN ACT To protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

* * * * *

SEC. 2. That when any offense is committed in any place, jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

ACT OF MARCH 3, 1875 (18 STAT., 481).

Cutting Timber on Reserved Lands, Destroying Fences, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy

or injure, or procure to be wantonly destroyed or injured, any timber-tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any land of the United States, which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offense, pay a fine not exceeding \$500, or shall be imprisoned not exceeding twelve months.

SEC. 2. That if any person or persons shall knowingly and unlawfully break or destroy any fence, wall, hedge, or gate inclosing any lands of the United States, which have, in pursuance of any law, been reserved or purchased by the United States for any public use, every such person so offending, on conviction, shall, for every such offence, pay a fine not exceeding \$200, or be imprisoned not exceeding six months.

SEC. 3. That if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, reserved or purchased as aforesaid, and shall drive any cattle, horses, or hogs upon the lands aforesaid for the purpose of destroying the grass or trees on the said grounds, or where they may destroy the said grass or trees, or if any such person or persons shall knowingly permit his or their cattle, horses, or hogs to enter through any of said inclosures upon the lands of the United States aforesaid, where the said cattle, horses, or hogs may or can destroy the grass or trees or other property of the United States on the said land, every such person or persons so offending, on conviction, shall pay a fine not exceeding \$500, or be imprisoned not exceeding twelve months.

Provided, That nothing in this act shall be construed to apply to unsurveyed public lands and to public lands subject to preemption and homestead laws, or to public lands subject to an act to promote the development of the mining resources of the United States, approved May 10, 1872.

ACT OF JUNE 3, 1878 (20 STAT., 89), AS AMENDED BY SECTION 2
OF THE ACT OF AUGUST 4, 1892 (27 STAT., 348).

Cutting Timber on Lands of the United States.

* * * * *

SEC. 4. After the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States in public-land States, or remove, or cause to be removed, any timber from said public lands with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars.

ACT OF JUNE 10, 1896 (29 STAT., 343).

Changing or Removing Survey Marks.

AN ACT Making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey. That any person who shall offend against any of the provisions of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court shall be fined not exceeding two hundred and fifty dollars, or be imprisoned not more than one hundred days. All the fines accruing under this paragraph shall be paid into the Treasury, and the informer, in each case of conviction, shall be paid the sum of twenty-five dollars.

ACT OF FEBRUARY 6, 1905 (33 STAT., 700).

Arrests by National Park and Forest Employees.

AN ACT For the protection of the public forest reserves and national parks of the United States.

All persons employed in the forest-reserve and national-park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested, shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

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